IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

KEVIN MEMOLI, individually and on behalf of all others similarly situated,))
Plaintiffs,) Case No. 08-cv-00107
v.)
NAVISTAR INTERNATIONAL)) Judge Virginia M. Kendall
CORPORATION, DANIEL C. USTIAN,) Magistuata Judga Mania Valdan
ROBERT C. LANNERT, MARK T.) Magistrate Judge Maria Valde
SCHWETSCHENAU, and DELOITTE &)
TOUCHE LLP,)
Defendants.)

AGREED MOTION TO EXTEND TIME AND ENTER A BRIEFING SCHEDULE

For the reasons set forth more fully in the Joint Stipulated Order being submitted herewith, Defendants Navistar International Corporation, Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, and Deloitte & Touche LLP ("Defendants") hereby move this Court, pursuant Federal Rule of Civil Procedure 6(b), for an extension of time for the Defendants to answer or otherwise respond until after a lead Plaintiff has been selected and an Amended Complaint, if any, is filed, and to set a briefing schedule for any motion to dismiss Defendants may file as set forth in the Joint Stipulated Order. See Joint Stipulated Order, Ex. 1 hereto.

At the time this case was filed, a related case styled Norfolk County Retirement System v. Ustian, Case No. 07-CV-7014, was already pending before Judge Robert W. Gettleman in this district. Judge Gettleman has entered a stipulated order substantially identical to the one proposed herein. See Stipulated Order and Minute Entry, Ex. 2 hereto. Thus, granting this motion will place this case on the same schedule as the Norfolk action. Pursuant to Local Rule 40.4, one of the parties to the Norfolk action will file a motion before Judge Gettleman to transfer this case to his docket as a related case in order to facilitate consolidation pursuant to the Private Securities Litigation Reform Act. See 15 U.S.C. §§ 77z-1(a)(3)(B)(ii); 78u-4(a)(3)(B)(ii). Because the time for Defendants to answer or otherwise respond would run before a transfer would likely be complete, Defendants are filing this motion so that they are not compelled to answer or otherwise respond in this case before a decision on transfer and consolidation has been reached. See id. Per the attached stipulation, Plaintiff Kevin Memoli has

agreed to this motion and has also stated he has no objection to the anticipated reassignment of this case as a related case.

WHEREFORE, Defendants respectfully request that this Court enter the Stipulated Order submitted herewith and grant such other and further relief as the Court deems just.

Dated: January 25, 2008

Respectfully submitted,

/s/Sean M. Berkowitz

One of the Attorneys for Defendants Navistar International Corporation, Daniel C. Ustian, and Robert C. Lannert

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/s/James E. Barz

One of the Attorneys for Defendant Deloitte & Touche LLP

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/s/Patrick S. Coffey

One of the Attorneys for Defendant Mark T. Schwetschenau

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EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

KEVIN MEMOLI, individually and on behalf of all others similarly situated,))
Plaintiffs,) Case No. 08-cv-00107
v.)
) Judge Virginia M. Kendall
NAVISTAR INTERNATIONAL)
CORPORATION, DANIEL C. USTIAN,) Magistrate Judge Maria Valdez
ROBERT C. LANNERT, MARK T.)
SCHWETSCHENAU, and DELOITTE &))
TOUCHE LLP,))
Defendants.)

JOINT STIPULATED ORDER

WHEREAS, on January 7, 2008, Plaintiff Kevin Memoli filed a complaint captioned *Kevin Memoli v. Navistar International Corporation, Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, and Deloitte & Touche LLP, Case No. 08-cv-00107* ("Memoli Case"), a purported class action alleging securities fraud, which was assigned to Judge Virginia M. Kendall;

WHEREAS, on December 13, 2007, Plaintiffs Norfolk County Retirement System and Brockton Contributory Retirement System, filed a complaint captioned *Norfolk County Retirement System and Brockton Contributory Retirement System v. Daniel C. Ustian, Robert C. Lannert, Mark T. Schwetschenau, Navistar International Corporation, and Deloitte & Touche LLP, Case No. 07-CV-7014 ("Norfolk Case")*, a purported class action alleging securities fraud, which was assigned to Judge Robert W. Gettleman;

WHEREAS, one of the parties to the *Norfolk* Case will move to reassign the *Memoli* Case as a related action to the *Norfolk* Case on Judge Gettleman's docket, and Plaintiff in the *Memoli* Case has no objection to such reassignment;

WHEREAS, a substantially identical stipulation has already been entered by the Court in the *Norfolk* Case;

WHEREAS, Plaintiffs in the *Norfolk* Case have provided notice to potential class members of the actions and informed them of their rights to move to serve as lead plaintiff within 60 days of the date of filing of the complaint, *see* 15 U.S.C. §§ 77z-1(a)(3)(A)(i), 78u-4(a)(3)(A)(i) and published such notice on **December 17, 2007** and lead plaintiff motions are due on **February 15, 2008**;

WHEREAS, under the Private Securities Litigation Reform Act ("PSLRA"), the Court must rule on any motions to appoint lead plaintiff within 90 days of the publication of the statutory notice; *see* 15 U.S.C. §§ 77z-1(a)(3)(B)(i), 78u-4(a)(3)(B)(i);

WHEREAS, the parties believe that, for reasons of judicial efficiency and economy, Defendants should not be required to respond to the existing complaint and any further complaints that may be filed arising out of the same set of facts and circumstances as set forth in the existing complaint, individually, but rather, should withhold responding to any of these actions until after: (i) the Court has determined whether the *Memoli* and *Norfolk* cases (and any additional complaints, if any) should be consolidated; (ii) the Court has appointed lead plaintiff and lead counsel; and (iii) lead plaintiff has filed an Amended Complaint or Consolidated and Amended Complaint, if any.

STIPULATED

WHEREFORE, the parties, by and through their undersigned counsel, hereby stipulate that the Court be requested to enter an order as follows:

1. Defendants, through counsel, hereby accept service of the existing complaint and any papers or documents filed or served by plaintiffs in the above-entitled matter,

effective as of the date of this stipulation, as if service had been effected pursuant to Fed. R. Civ. P. 4. In addition, Defendants hereby waive their defenses with respect to insufficiency of service of process. Defendants, however, do not hereby waive any objection to the venue or jurisdiction of this Court or any other defenses;

- 2. Defendants shall not respond to the existing complaint until after (i) the parties have moved to reassign the *Memoli* case and the Court has determined whether to consolidate the *Memoli* and *Norfolk* Cases and any subsequent cases that may be filed arising out of the same facts and circumstances as the existing complaints; (ii) the Court has entered an order appointing a lead plaintiff and lead counsel (the "Lead Plaintiff Order"); and (iii) the lead plaintiff files an Amended Complaint or Consolidated and Amended Complaint ("Amended Complaint"), if necessary;
- 3. Defendants shall answer or otherwise respond to the existing complaint or any Amended Complaint within 30 days after the appointment of a lead plaintiff or the filing of the Amended Complaint, whichever occurs later; and
- 4. If Defendants file a motion to dismiss, the lead plaintiff shall file and serve an opposition memorandum within 30 days after the filing of Defendants' motion to dismiss and Defendants shall file and serve any reply memorandum within 15 days after the filing of the lead plaintiff's opposition memorandum.

	SO ORDERED.	
Dated:		
		VIRGINIA M. KENDALL
		LINITED STATES DISTRICT HIDGE

IT IS SO STIPULATED:

/s/Marvin A. Miller

One of the Attorneys for Plaintiffs Norfolk County

Retirement System and Brockton Contributory Retirement System

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/s/Sean M. Berkowitz

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/s/James E. Barz

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EXHIBIT 2

Order Form (01/2005)

Case 1:07-cv-07014

Document 26

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United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert W. Gettleman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 7014	DATE	1/11/2008
CASE TITLE	Norfolk County Retirement System, et al vs Daniel C. Ustian, et al		

DOCKET ENTRY TEXT:

STIPULATED ORDER enterd. Accordingly, defendants Navistar, Ustian, Lannert and Schwetschenau's motion for extension of time to answer or otherwise respond is granted.

[For further detail see separate order] [Docketing to mail notice]

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Case 1:07-cv-07014 Case 1:07-cv-07014 Document 27
Document 17-2

Filed 01/11/2008 Filed 01/07/2008

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

NORFOLK COUNTY RETIREMENT)
SYSTEM and BROCKTON)
CONTRIBUTORY RETIREMENT)
SYSTEM, individually and on behalf of all	Case No. 07-cv-07014
others similarly situated,	
Plaintiffs,	
v.	Judge Robert W. Gettleman
DANIEL C. USTIAN, ROBERT C.) Magistrate Judge Nan R. Nolan
LANNERT, MARK T. SCHWETSCHENAU.)
NAVISTAR INTERNATIONAL	
CORPORATION, and DELOITTE &	
TOUCHE LLP,	
Defendants.	

STIPULATED ORDER

WHEREAS, on December 13, 2007, Plaintiffs Norfolk County Retirement
System and Brockton Contributory Retirement System, filed a complaint captioned Norfolk
County Retirement System and Brockton Contributory Retirement System v. Daniel C. Ustian,
Robert C. Lannert, Mark T. Schwetschenau, Navistar International Corporation, and Deloitte &
Touche LLP, Case No. 07-CV-7014, a purported class action alleging securities fraud, which was
assigned to Judge Robert W. Gettleman; and

WHEREAS, Plaintiffs have provided notice to potential class members of the actions and informed them of their rights to move to serve as lead plaintiff within 60 days of the date of filing of the complaint, see 15 U.S.C. §§ 77z-1(a)(3)(A)(i), 78u-4(a)(3)(A)(i) and published such notice on **December 17**, 2007 and lead plaintiff motions are due on **February** 15, 2008; and

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Case 1:07-cv-07014 Document 17-2 Filed 01/07/2008 Page 2 of 4

WHEREAS, under the Private Securities Litigation Reform Act ("PSLRA"), the Court must rule on any motions to appoint lead plaintiff within 90 days of the publication of the statutory notice; see 15 U.S.C. §§ 772-1(a)(3)(B)(i), 78u-4(a)(3)(B)(i); and

WHEREAS, the parties believe that, for reasons of judicial efficiency and economy, Defendants should not be required to respond to the existing complaint and any further complaints that may be filed arising out of the same set of facts and circumstances as set forth in the existing complaint, individually, but rather, should withhold responding to any of these actions until after: (i) the Court has had the opportunity to determine whether the actions should be consolidated, should any additional complaints be filed; (ii) the Court has appointed lead plaintiff and lead counsel; and (iii) the filing of an Amended Complaint or Consolidated and Amended Complaint, if any.

STIPULATED

WHEREFORE, the parties, by and through their undersigned counsel, hereby stipulate that the Court be requested to enter an order as follows:

- 1. Defendants, through counsel, hereby accept service of the existing complaint and any papers or documents filed or served by plaintiffs in the above-entitled matter, effective as of the date of this stipulation, as if service had been effected pursuant to Fed. R. Civ. P. 4(f) and hereby waive their defenses with respect to insufficiency of service of process. Defendants, however, do not hereby waive any objection to the venue or jurisdiction of this Court or any other defenses;
- 2. Defendants shall not respond to the existing complaints until after (i) the Court has an opportunity to determine whether to consolidate the existing complaint and any further cases that may be filed arising out of the same set of facts and circumstances as the

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existing complaints, should such complaints be filed on or before February 15, 2008; (ii) the Court has entered an order appointing a lead plaintiff and lead counsel (the "Lead Plaintiff Order"); and (iii) the lead plaintiff files an Amended Complaint or Consolidated and Amended Complaint ("Amended Complaint"), if necessary;

- 3. Defendants shall answer or otherwise respond to the existing complaint or any Amended Complaint within 30 days of the appointment of a Lead Plaintiff or the filing of the Amended Complaint, if any; and
- 4. If Defendants file a motion to dismiss, the Lead Plaintiff shall file and serve an opposition memorandum within 30 days of the filing of Defendants' motion to dismiss and Defendants shall file and serve any reply memorandum within 15 days after the filing of the Lead Plaintiff's opposition memorandum.

SO ORDERED.

Dated: JAN, 11, 2008

ROBERT W. GETTLEMAN UNITED STATES DISTRICT JUDGE

IT IS SO STIPULATED:

/s/C. Philip Curley

One of the Attorneys for Plaintiffs Norfolk County Retirement System and Brockton Contributory Retirement System

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